

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION**

NO. 2:12-CV-16-F

MARY E. LYONS FELTON,

Plaintiff,

v.

EDENTON-CHOWAN BOARD OF
EDUCATION, *et al.*

Defendant.

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ORDER

This cause comes before the Court upon the parties' joint motion to stay discovery. (DE-30). In this motion, the parties request that all discovery be stayed during the pendency of Defendants' motion to dismiss. Rule 26(c) of the Federal Rules of Civil Procedure authorizes a court to issue orders limiting or staying discovery. Specifically:

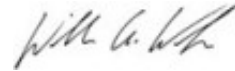
A court may properly exercise its discretion under Rule 26(c) to stay discovery pending resolution of dispositive motions. Tilley v. United States, 270 F. Supp. 2d 731, 734 (M.D.N.C. 2003), *aff'd*, 85 Fed. Appx. 333 (4th Cir. 15 Jan. 2004), *cert denied*, 543 U.S. 819 (2004). Factors favoring issuance of a stay include the potential for the dispositive motion to terminate all the claims in the case or all the claims against particular defendants, strong support for the dispositive motion on the merits, and irrelevancy of the discovery at issue to the dispositive motions. *See id.* at 735; Simpson v. Specialty Retail Concepts, Inc., 121 F.R.D. 261, 263 (M.D.N.C. 1998). Conversely, discovery ordinarily should not be stayed when it is necessary to gather facts in defense of the motion. Tilley, 270 F. Supp. 2d at 734; Simpson, 121 F.R.D. at 263.

Yongo v. Nationwide Affinity Ins. Co. of America, 2008 WL 516744 (E.D.N.C. 2008), at *2 (footnote omitted).

Moreover, a stay of discovery "is an eminently logical means to prevent wasting the time and effort of all concerned, and to make the most efficient use of judicial resources." U.S. v. A.T. Massey Coal Co., 2007 WL 3051449 (S.D.W.Va. 2007)(*quoting*, Coastal States Gas Corp. v. Department of Energy, 84 F.R.D.

278, 282 (D.C. Del. 1979). In their memorandum in support, the parties have demonstrated good cause for their request, and therefore the instant motion to stay discovery (DE-30) is GRANTED. All discovery in this matter is stayed until Defendants' motion to dismiss is ruled upon. If necessary following disposition of Defendants' motion to dismiss, the parties shall, within fifteen (15) days thereafter, confer regarding a discovery plan and file a proposed discovery plan and exchange mandatory initial disclosures both within fifteen (15) days after said conference.

DONE AND ORDERED in Chambers at Raleigh, North Carolina on Monday, October 01, 2012.



WILLIAM A. WEBB
UNITED STATES MAGISTRATE JUDGE